UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

VICOR CORPORATION, Plaintiff, v. SYNQOR, INC., Defendant.	Civil Action No. 1:11-cv-10146

COMPLAINT FOR DECLARATORY JUDGMENT

Plaintiff Vicor Corporation ("Vicor") hereby pleads the following claims for Declaratory Judgment against Defendant SynQor, Inc. ("SynQor"), and alleges as follows:

PARTIES

1. Plaintiff Vicor Corporation ("Vicor") is a corporation organized and existing under the laws of the State of Delaware and having a principal place of business at 25 Frontage Road, Andover, Massachusetts, within this judicial district.

2. Defendant SynQor, Inc. ("SynQor") is, upon information and belief, a corporation organized and existing under the laws of Delaware having a place of business at 155 Swanson Road, Boxborough, Massachusetts, within this judicial district.

JURISDICTION AND VENUE

3. The Court has subject matter jurisdiction over this action and the matters pleaded herein under 28 U.S.C. §§ 1331 and 1338(a) because the action arises under the Federal Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the Patent Act of the United States, 35 U.S.C. § 101, *et seq*. Vicor seeks a declaration from the Court that its Bus converter Module

products do not infringe any valid claim of SynQor's U.S. Patents Nos. 7,072,190 ("the '190 patent"), 7,269,034 ("the '034 patent"), 7,272,021 ("the '021 patent"), 7,558,083 ("the '083 patent"), and 7,564,702 ("the '702 patent") (collectively "the SynQor patents").

4. The Court has personal jurisdiction over SynQor because SynQor has done and is doing business in this district.

5. Venue is proper in the District of Massachusetts pursuant to 28 U.S.C. §§ 1391 and 1400(b) because SynQor is a resident of this district.

GENERAL ALLEGATIONS

6. Vicor is a leading manufacturer of power conversion components and systems.

7. SynQor is also a manufacturer of power conversion components.

8. Upon information and belief, SynQor purports to be the owner of all right, title and interest in the '190 patent, the '034 patent, the '021 patent, the '083 patent, and the '702 patent.

9. On November 13, 2007, SynQor sued thirteen manufacturers of power conversion components (the "Texas defendants") in the U.S. District Court for the Eastern District of Texas, Civil Action No. 2:07-00497-TJW-CE, alleging that the manufacture and sale of certain of the Texas Defendants' products infringed the '190 patent, the '021 patent, and the '034 patent ("the Texas Action"). SynQor later amended its complaint to add allegations that the manufacture and sale of the Texas defendants' products also infringed the '083 patent and the '702 patent. Vicor was not named as a party in the Texas Action.

10. The particular products that SynQor accused of infringement in the Texas Action were "bus converters." Bus converters are power conversion modules that convert voltage from an input bus to supply voltage at an output bus isolated from the input. Bus converters are often

used to supply power to other power converters, called "regulators," as components of a power distribution architecture known as an Intermediate Bus Architecture. SynQor alleged that the Texas defendants' bus converters, alone or in combination with regulators, infringed the SynQor patents.

11. Vicor also manufactures and sells a line of bus converter products. Vicor's bus converters are used by Vicor customers in Intermediate Bus Architectures.

12. During discovery in the Texas Action, a subpoena was issued to Vicor, seeking information about the design and operation of specific Vicor bus converter products. Pursuant to that subpoena, Vicor produced documents relating to the design and operation of Vicor's bus converter products, and on September 11, 2010, a Vicor representative was deposed and SynQor conducted an extensive examination of the Vicor representative concerning the design and operation of Vicor's bus converter products.

13. Beginning on December 13, 2010, a trial was held in the Texas Action. During that trial, SynQor purported to show that the Texas defendants' bus converters, separately and if used as components of an Intermediate Bus Architecture, would infringe the SynQor patents. SynQor alleged that the Texas defendants' sale of these bus converters would therefore directly and indirectly infringe the SynQor patents. In addition, SynQor made allegations, and presented testimony purporting to show, that the SynQor patents would also be infringed if Vicor's own bus converter products -- including but not limited to Vicor model numbers B048F120T30, B048F120M30, B048F096T24, B048F096M24, and VIB0101THJ -- were used in place of the Texas defendants' bus converter modules in an Intermediate Bus Architecture.

14. Vicor has also been informed by a customer that SynQor has alleged that Vicor's bus converter products infringe the SynQor patents.

15. In addition to its present bus converter products, Vicor is developing new bus converter products that are similar in design to the bus converter products alleged by SynQor to infringe the SynQor patents.

16. Vicor does not believe that its existing or future bus converter products, alone or when used in an Intermediate Bus Architecture, infringe any valid claim of the SynQor patents.

17. Given all the circumstances, there is an actual and substantial controversy between parties of sufficient immediacy and reality to warrant the issuance of a declaratory judgment. The Vicor bus converter products may be used in an Intermediate Bus Architecture, which SynQor has alleged would result in the infringement of its patents. Vicor has a reasonable apprehension that SynQor will file suit against it imminently for allegedly infringing the SynQor Patents, just as it did against the bus converter manufacturers in the Texas Action. Vicor also has a reasonable apprehension that SynQor's infringement allegations will discourage customers from purchasing Vicor's bus converter products unless they are judicially resolved.

18. Accordingly, there is an actual and justiciable controversy between the parties concerning whether any acts by Vicor constitute infringement of the SynQor Patents and whether the SynQor Patents are valid.

19. Vicor denies that the manufacture or sale of any Vicor bus converter product infringes any valid and enforceable claim of the SynQor Patents. Vicor contends that all of the claims of the SynQor Patents are invalid.

FIRST CLAIM FOR RELIEF

Declaratory Relief Regarding Noninfringement of the '190 Patent

20. Vicor incorporates herein the allegations of paragraphs 1-19.

21. An actual and justiciable controversy exists between Plaintiff Vicor and Defendant SynQor as to infringement of the '190 Patent, which is evidenced by SynQor's allegations in the Texas Action.

22. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, Vicor requests the declaration of the Court that Vicor's manufacture and sale of bus converter products does not infringe, directly or indirectly, any claim of the '190 Patent.

SECOND CLAIM FOR RELIEF

Declaratory Relief Regarding Invalidity of the '190 Patent

23. Vicor incorporates herein the allegations of paragraphs 1-22.

24. An actual and justiciable controversy exists between Plaintiff Vicor and Defendant SynQor as to invalidity of the '190 Patent, which is evidenced by SynQor's allegations in the Texas Action.

25. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, Vicor requests the declaration of the Court that the claims of the '190 Patent are invalid under the Patent Act, 35 U.S.C. § 101, *et seq.*, including, but not limited to, sections 102, 103, and/or 112.

THIRD CLAIM FOR RELIEF

Declaratory Relief Regarding Noninfringement of the '034 Patent

26. Vicor incorporates herein the allegations of paragraphs 1-25.

27. An actual and justiciable controversy exists between Plaintiff Vicor and Defendant SynQor as to infringement of the '034 Patent, which is evidenced by SynQor's allegations in the Texas Action.

28. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, Vicor requests the declaration of the Court that Vicor's manufacture and sale of bus converter products does not infringe, directly or indirectly, any claim of the '034 Patent.

FOURTH CLAIM FOR RELIEF

Declaratory Relief Regarding Invalidity of the '034 Patent

29. Vicor incorporates herein the allegations of paragraphs 1-28.

30. An actual and justiciable controversy exists between Plaintiff Vicor and Defendant SynQor as to invalidity of the '034 Patent, which is evidenced by SynQor's allegations in the Texas Action.

31. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, Vicor requests the declaration of the Court that the claims of the '034 Patent are invalid under the Patent Act, 35 U.S.C. § 101, *et seq.*, including, but not limited to, sections 102, 103, and/or 112.

FIFTH CLAIM FOR RELIEF

Declaratory Relief Regarding Noninfringement of the '021 Patent

32. Vicor incorporates herein the allegations of paragraphs 1-31.

33. An actual and justiciable controversy exists between Plaintiff Vicor and Defendant SynQor as to infringement of the '021 Patent, which is evidenced by SynQor's allegations in the Texas Action.

34. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, Vicor requests the declaration of the Court that Vicor's manufacture and sale of bus converter products does not infringe, directly or indirectly, any claim of the '021 Patent.

SIXTH CLAIM FOR RELIEF

Declaratory Relief Regarding Invalidity of the '021 Patent

35. Vicor incorporates herein the allegations of paragraphs 1-34.

36. An actual and justiciable controversy exists between Plaintiff Vicor and Defendant SynQor as to invalidity of the '021 Patent, which is evidenced by SynQor's allegations in the Texas Action.

37. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, Vicor requests the declaration of the Court that the claims of the '034 Patent are invalid under the Patent Act, 35 U.S.C. § 101, *et seq.*, including, but not limited to, sections 102, 103, and/or 112.

SEVENTH CLAIM FOR RELIEF

Declaratory Relief Regarding Noninfringement of the '083 Patent

38. Vicor incorporates herein the allegations of paragraphs 1-37.

39. An actual and justiciable controversy exists between Plaintiff Vicor and Defendant SynQor as to infringement of the '083 Patent, which is evidenced by SynQor's allegations in the Texas Action.

40. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, Vicor requests the declaration of the Court that Vicor's manufacture and sale of bus converter products does not infringe, directly or indirectly, any claim of the '083 Patent.

EIGHTH CLAIM FOR RELIEF

Declaratory Relief Regarding Invalidity of the '083 Patent

41. Vicor incorporates herein the allegations of paragraphs 1-40.

42. An actual and justiciable controversy exists between Plaintiff Vicor and Defendant SynQor as to invalidity of the '083 Patent, which is evidenced by SynQor's allegations in the Texas Action.

43. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, Vicor requests the declaration of the Court that the claims of the '083 Patent are invalid under the Patent Act, 35 U.S.C. § 101, *et seq.*, including, but not limited to, sections 102, 103, and/or 112.

NINTH CLAIM FOR RELIEF

Declaratory Relief Regarding Noninfringement of the '702 Patent

44. Vicor incorporates herein the allegations of paragraphs 1-43.

45. An actual and justiciable controversy exists between Plaintiff Vicor and Defendant SynQor as to infringement of the '702 Patent, which is evidenced by SynQor's allegations in the Texas Action.

46. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, Vicor requests the declaration of the Court that Vicor's manufacture and sale of bus converter products does not infringe, directly or indirectly, any claim of the '702 Patent.

TENTH CLAIM FOR RELIEF

Declaratory Relief Regarding Invalidity of the '702 Patent

47. Vicor incorporates herein the allegations of paragraphs 1-46.

48. An actual and justiciable controversy exists between Plaintiff Vicor and Defendant SynQor as to invalidity of the '702 Patent, which is evidenced by SynQor's allegations in the Texas Action.

49. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, Vicor requests the declaration of the Court that the claims of the '702 Patent are invalid under the Patent Act, 35 U.S.C. § 101, *et seq.*, including, but not limited to, sections 102, 103, and/or 112.

PRAYER FOR RELIEF

WHEREFORE, Vicor prays for judgment as follows:

(1) That Vicor does not infringe and has not infringed, directly or indirectly, any valid claim of the SynQor Patents;

(2) That Vicor's manufacture and sale of bus converter products does not infringe, directly or indirectly, any valid claim of the SynQor Patents;

(3) That the use of Vicor's BCM products in an Intermediate Bus Architecture does not infringe any valid claim of the SynQor Patents;

(3) That the claims of the SynQor Patents are invalid;

(4) That SynQor, and all persons acting on its behalf or in concert with it, be permanently enjoined and restrained from charging, orally or in writing, that the SynQor Patents are infringed, directly or indirectly, by Vicor's bus converter products;

(5) That SynQor, and all persons acting on its behalf or in concert with it, be permanently enjoined and restrained from charging, orally or in writing, that the SynQor Patents are infringed, directly or indirectly, by an Intermediate Bus Architecture utilizing Vicor's bus converter products;

(6) That Vicor be awarded its costs, expenses, and reasonable attorney fees in this action; and

(7) That Vicor be awarded such other and further relief as the Court may deem appropriate.

VICOR CORPORATION

By its attorneys,

Dated: January 26, 2011

By: /s/ Lawrence K. Kolodney

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